

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DWIGHT D. RAMSAY,

Plaintiff,

ORDER

v.

21-CV-10668 (PMH)

METRO-NORTH COMMUTER
RAILROAD,

Defendant.

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METRO-NORTH COMMUTER
RAILROAD,

Third-Party Plaintiff,

v.

ALFREDO LDC,

Third-Party Defendant.

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PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared in Courtroom 520 for an in-person final pretrial conference on September 6, 2023. As discussed on the record, this matter is slated as a backup to the Court's presently scheduled jury trial on December 4, 2023, and the parties are on five days' notice of trial.

As explained more fully on the record during the appearance, the Court directs the parties to meet and confer regarding the Court's directives and instructions regarding changes to the Joint Pretrial Order and verdict form, and, by September 13, 2023, file a revised Joint Pretrial Order and verdict form.

Further, as discussed at the conference, the Court directed Defendant Metro-North Commuter Railroad ("Metro-North") and Third-Party Defendant Alfredo LDC ("Alfredo") to, by

September 13, 2023, notify the Court whether they resolved the issue of how to deal with a verdict for Plaintiff on the negligence claim against Metro-North and Metro-North's indemnification claim against Alfredo. In the event Metro-North and Alfredo do not come to an agreement, the Court indicated it would act as trial manager and dismiss Metro-North's third-party action without prejudice based on the fact that the third-party action is premature and that any efficiency associated with maintaining the third-party action now, given the contentious nature of the third-party action, is lost and could cause juror confusion and further issues at trial.

SO ORDERED:

Dated: White Plains, New York
September 6, 2023



PHILIP M. HALPERN
United States District Judge